



Oregon

John A. Kitzhaber, MD, Governor

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Water Resources Department

Watermaster Dept., District 4

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Grant County Courthouse

Canyon City, OR 97280

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November 21, 2011

Jeff Tomac
Whitman Ranger District
3165 10th Street
Baker City, OR 97814

RE: Comment on Environmental Impact Statement for Granite Creek Watershed
Mining Plans

Dear Mr. Tomac,

Thank you for the opportunity to comment on the EIS for the Granite Creek Mining Plans. Upon receiving the letter I did a cursory glance at the water rights in the area of the ongoing and proposed activities. There wasn't enough information for me to do a complete water right research down to the level of the quarter quarter within each section, which is customarily what we do. However, enough information was provided for me to see that there are likely some deficiencies with water right authorizations within the area of the proposed and ongoing mining activities in the area.

At this point I strongly encourage you to direct these individuals to our office for assistance in obtaining appropriate water rights, if they can be obtained, for the mining activities they wish to pursue. Some may already have the appropriate permits and would need no further permitting from the Oregon Water Resources Department. Please see the text below which is from our web site FAQ dealing with mining activities:

Q: Will I need authorization from Oregon Water Resources Department to use water for my mining activity?

A: In order to divert and use the waters of Oregon, you must first obtain authorization, such as a permit or limited license, from the Water Resources Department.

In-channel mining activities that affect, but do not divert, water do not generally require a water use permit. This would include some common mining activities such as using a sluice box or suction dredge within the wetted perimeter of the stream. Which gold mining activities require authorization from the Water Resources Department?

Diversion of water for mining activities outside the wetted perimeter requires a water use authorization. Examples of mining activities outside of the wetted perimeter include high banking or placer mining. This type of activity generally requires the use of water to dislodge rock material or move sediment. Since this involves the diversion and use of water, this type of mining would require a water right.

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Please understand if activities which require water right permits are ongoing at this time and the users do not have the appropriate water right for the activity, the individuals, land owner or other responsible parties will be in violation of Oregon Water Law and subject to curtailment and possible enforcement action.

In some cases, if water is available, water users may be able to secure the necessary water right permits for carrying out mining activities. New water right permits may carry significant restrictions or conditions. Navigating the permitting process and looking at all other options requires a situation specific look at the intended location, proposed uses and activities.

Thank you for the opportunity to comment and provide some feedback. I look forward to working with you and helping these individuals through whatever permitting processes are appropriate for their respective operations. Please call me if you have any questions.

Sincerely,



Eric W. Julsrud
Oregon Water Resources Department
Watermaster District 4

Cc: Mike Ladd, North Central Regional Manager